

1 JOSEPH P. RUSSONIELLO (CSBN 44332)  
United States Attorney

2 BRIAN J. STRETCH (CSBN 163973)  
3 Chief, Criminal Division

4 STEPHANIE M. HINDS (CSBN 154284)  
Assistant United States Attorney

5 450 Golden Gate Avenue, Box 36055  
6 San Francisco, California 94102-3495  
Telephone: (415) 436-6816  
7 Facsimile: (415) 436-7234  
Email: stephanie.hinds@usdoj.gov

**\*E-FILED - 1/14/10\***

8 Attorneys for Plaintiff

9  
10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12 SAN JOSE DIVISION

13 UNITED STATES OF AMERICA, )  
14 )  
Plaintiff, )  
15 )  
v. )  
16 )  
1. 1997 LAMBORGHINI DIABLO, VIN )  
17 ZA9RU37P6VLA12636, )  
2. 2006 PORSCHE CAYENNE TURBO, )  
18 VIN WP1AC29P96LA91296, )  
19 )  
3. \$8,692.42 IN FUNDS SEIZED FROM )  
20 COMMERCE BANK ACCOUNT )  
HELD IN THE NAME OF PSA, LLC., )  
21 )  
4. \$6,314.76 IN FUNDS SEIZED FROM )  
22 COMMERCE BANK ACCOUNT )  
HELD IN THE NAME OF )  
23 PHARMACY USA, LLC, AND )  
24 )  
5. \$1,076,636.89 IN FUNDS SEIZED )  
25 FROM TD AMERITRADE ACCOUNT )  
HELD IN NAME OF CHRISTOPHER )  
26 NAPOLI, )  
Defendants. )

**Case No. C 07-3120 RMW**

**STIPULATION AND [XXXXXXXXXXXXX  
ORDER TO CONTINUE  
CASE MANAGEMENT CONFERENCE**

1 IT IS HEREBY STIPULATED by and between plaintiff United States of America and  
2 claimants Christopher Napoli, Christine Napoli, Pharmacy USA LLC and PSA LLC, through  
3 undersigned counsel, that the case management conference currently scheduled for Friday,  
4 January 15, 2010, be continued for approximately 120 days. The parties contend that a  
5 continuance of the case management conference is appropriate as there is a pending criminal  
6 investigation against claimant Christopher Napoli and this court has already entered a stay of this  
7 action is under 21 U.S.C. § 881(j) . Since the criminal activity at issue in the investigation and  
8 related criminal indictment forms, in large part, the basis for the forfeiture allegations in the  
9 government's complaint for forfeiture in this action, the parties agree that a stay in the forfeiture  
10 proceeding and a continuance of the case management conference is appropriate at this time in  
11 order to preserve the confidentiality of the government's criminal investigation and Christopher  
12 Napoli's right against self-incrimination in the related criminal matter.

13 Notwithstanding the parties request for a continuance of the case management conference,  
14 the parties reserve the right to bring any motions consistent with the terms of this stipulation and  
15 the court's order granting a stay of these proceedings.

16  
17  
18 DATED: 01/13/10

/S/  
\_\_\_\_\_  
STEPHANIE M. HINDS  
Assistant United States Attorney

19  
20 DATED: 01/13/10

/S/  
\_\_\_\_\_  
CHRISTOPHER J. CANNON  
Attorney for Christopher Napoli,  
Christine Napoli, Pharmacy USA, LLC  
and PSA, LLC

1 II ORDER RE STAY

2 Upon the stipulation of counsel, and good cause appearing, IT IS HEREBY ORDERED that  
3 the case management conference in the above-entitled civil forfeiture action currently scheduled  
4 for Friday, January 15, 2010, is vacated. The conference is rescheduled for  
5 May 28, 2010 @ 10:30 a.m..

6 IT IS FURTHER ORDERED that the parties reserve the right to file any motions consistent  
7 with the terms of the above stipulation and the court's previous order granting a stay of these  
8 proceedings. These proceedings continue to be stayed.

9  
10 DATED: 1/14/10

  
RONALD M. WHYTE  
United States District Judge